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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,634	08/28/2003	Marty Perry	020541	7484
26285	7590	11/10/2004		EXAMINER
KIRKPATRICK & LOCKHART LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222			LAXTON, GARY L	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/650,634	PERRY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Gary L. Laxton	2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 17 September 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-35 is/are allowed.  
 6) Claim(s) 36-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 September 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 9/17/04 have been fully considered but they are not persuasive.

Applicant's argue that Brkovic (US 6,711,039) does not disclose or suggest modulating the amplitude of the gate voltage of the synchronous rectifier to thereby control the conduction of the synchronous rectifier in proportion to the differentiated output voltage. The applicant continues by stating that, thus, the gate voltage of the synchronous rectifiers is not modulated in Brkovic - there is no varying of the gate voltage to control the conduction of the synchronous rectifier.

The examiner respectfully disagrees. The gate voltage to control the synchronous rectifier is varied between ON and OFF. Therefore, the amplitude of the gate voltage of switches 301 & 302 are being modulated (i.e. between ON and OFF). In other words, the amplitude of the gate voltages transition from approximately zero volts (i.e. OFF) to some ON voltage, for example 5 volts and vice versa. Figure 2 of Brkovic clearly illustrates this. In figure 2 it can be observed that the gate voltages  $V_{g301}$  and  $V_{g302}$  are being varied between ON and OFF. Therefore, the amplitude of the gate voltage is being varied between ON and OFF for each switch. In other words, the modulation is the transition between the ON and OFF voltages of the switches.

In view of the above, the examiner respectfully maintains the rejections concerning claims 36-40.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Brkovic (US 6,711,039).

Claims 36 and 39; Brkovic discloses a method of controlling a synchronous rectifier of a power converter, wherein the power converter is for producing an output voltage, the method comprising: differentiating the output voltage (400, 405, 500, 404) of the converter; and controlling conduction of the synchronous rectifier in proportion to the differentiated output voltage (80, 504, 505).

Claim 37; Brkovic discloses wherein modulating the amplitude of the gate voltage of the synchronous rectifier includes increasing the rate of increase of the gate voltage if the output voltage is monotonic and rising (col. 6 lines 3-20).

Claims 38 and 40; Brkovic discloses wherein modulating the amplitude of the gate voltage of the synchronous rectifier further includes decreasing the rate of increase of the gate voltage if the output voltage is non-monotonic (col. 5 lines 30-65).

***Allowable Subject Matter***

4. Claims 1-35 are allowed.
  
5. The following is a statement of reasons for the indication of allowable subject matter: the reasons for allowance remain the same as stated in the previous office action dated 7/29/04.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Laxton whose telephone number is (571) 272-2079. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571) 272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/05/04

Gary L. Laxton  
Patent Examiner  
Art Unit 2838